

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BETSY MAGEE,

Plaintiff,

-v-

MERZER REALTY, LLC

Defendants.

23-CV-10061 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Pro se Plaintiff Betsy Magee commenced this action on November 15, 2023. (ECF No. 1.) On December 8, 2023, the Court issued an order directing Plaintiff to retain counsel, as Plaintiff cannot proceed *pro se* with her claims under the False Claims Act. (ECF No. 7.) On December 27, 2023, Plaintiff responded to the order, acknowledging that she cannot bring a *pro se* claim under the FCA but asserting additional claims. Plaintiff also stated that she has unsuccessfully sought to retain counsel. (ECF No. 8.)

Plaintiff's allegations suggest possible state law claims, such as fraud and defamation. However, because this action is between citizens of the same state, the Court does not have subject matter jurisdiction to hear the state law claims. *See* 28 U.S.C. § 1332. The Court is not aware of any federal claims supported by Plaintiff's allegations, aside from claims under the False Claims Act. For example, while there are federal fraud and identify theft statutes, these statutes relate to criminal violations and do not provide a private cause of action. *See, e.g.*, 18 U.S.C. § 1028; 18 U.S.C. § 1341. Plaintiff may pursue her claims in state court.

Plaintiff is advised of her ability to seek free legal advice from the Pro Se Law Clinic in this District. The Clinic may be able to provide a nonincarcerated *pro se* litigant with advice in connection with her case. The Pro Se Law Clinic is run by a private organization called the New

York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Unit). The Clinic is in the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, in Room LL22. Under normal circumstances, the Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment either in person, by phone at (212) 659-6190, or online at <https://nylag.org/pro-se-clinic>.

Accordingly, Plaintiff's action is dismissed without prejudice. If Plaintiff is able to identify a federal cause of action, she may file an amended complaint within 30 days.

The Clerk of the Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: January 2, 2024
New York, New York



J. PAUL OETKEN
United States District Judge